

#4
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Kucherlapati *et al.*
☐ Patent of:

☐ Serial No.:
☐ Patent No.:

Group Art Unit: to be assigned

☒ Filed: October 2, 1996
☐ Issued:

Examiner: to be assigned

For: HUMAN ANTIBODIES DERIVED FROM
IMMUNIZED XENOMICE

Attorney Docket No.:
8972-027-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of concern Abgenix, Inc.

Address of concern 324 Lakeside Drive

Foster City, California 94404

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled HUMAN ANTIBODIES DERIVED FROM IMMUNIZED XENOMICE by inventor(s) Raju Kucherlapati, Aya Jakobovits, Daniel G. Brenner, Daniel J. Capon, and Sue Klapholz described in

- ☐ the specification filed herewith
☒ application serial no. 08/724,752 filed October 2, 1996
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

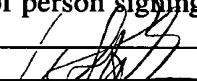
FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS Direct Telephone calls to:
1155 Avenue of the Americas PENNIE & EDMONDS
New York, N.Y. 10036-2711 (212) 790-9090

Name of person signing R. Scott Greer
Title of person other than owner President and CEO
Address of person signing 324 Lakeside Drive
Foster City, California 94404
Signature  Date 12/6/96

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

HUMAN ANTIBODIES DERIVED FROM IMMUNIZED XENOMICE

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on _____ (if applicable)
☒ was filed in the United States on October 2, 1996 as Application Serial No. 08/724,752
 with amendment(s) filed on _____ (if applicable)
☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19
 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
PCT/US96/05928	PCT	29 April 1996	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/430,938	04/27/95		X	
08/234,145	04/28/94		X	
08/112,848	08/27/93		X	
08/031,801	03/15/93		X	
07/919,297	07/24/92			X
07/610,515	11/08/90			X
07/466,008	01/12/90			X

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianne (Reg. No. 20019), Charles E. McKenney (Reg.

No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Kory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:
PENNIE & EDMONDS DOCKETING
(212) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME Kucherlapati	FIRST NAME Raju	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Darien CT	STATE OR FOREIGN COUNTRY CT	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 8 Gracie Lane	CITY Darien	STATE OR COUNTRY CT	ZIP CODE 06820
202	FULL NAME OF INVENTOR	LAST NAME Jakobovits	FIRST NAME Aya	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Menlo Park	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP Israel	
	POST OFFICE ADDRESS	STREET 2021 Monterey Avenue	CITY Menlo Park	STATE OR COUNTRY CA	ZIP CODE 94025
203	FULL NAME OF INVENTOR	LAST NAME Brenner	FIRST NAME Daniel	MIDDLE NAME G.	
	RESIDENCE & CITIZENSHIP	CITY Redwood City	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 86 Central Avenue	CITY Redwood City	STATE OR COUNTRY CA	ZIP CODE 94601
204	FULL NAME OF INVENTOR	LAST NAME Capon	FIRST NAME Daniel	MIDDLE NAME J.	
	RESIDENCE & CITIZENSHIP	CITY Hillsborough	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 90 Woodridge Road	CITY Hillsborough	STATE OR COUNTRY CA	ZIP CODE 94010
205	FULL NAME OF INVENTOR	LAST NAME Klapholz	FIRST NAME Sue	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Stanford CA	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 76 Peter Coutts Circle	CITY Stanford	STATE OR COUNTRY CA	ZIP CODE 94305

SIGNATURE OF INVENTOR 201 <i>Raju Kucherlapati</i> DATE DEC 10, 1996	SIGNATURE OF INVENTOR 202 <i>Aya Jakobovits</i> DATE	SIGNATURE OF INVENTOR 203 <i>Daniel G. Brenner</i> DATE
SIGNATURE OF INVENTOR 204 <i>Daniel J. Capon</i> DATE	SIGNATURE OF INVENTOR 205 <i>Sue Klapholz</i> DATE	SIGNATURE OF INVENTOR 206 <i>Sue Klapholz</i> DATE 12/8/96

No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Kucherlapati	FIRST NAME Raju	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Darien	STATE OR FOREIGN COUNTRY CT	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 8 Gracie Lane	CITY Darien	STATE OR COUNTRY CT	ZIP CODE 06820
202	FULL NAME OF INVENTOR	LAST NAME Jakobovits	FIRST NAME Aya	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Menlo Park <i>CA</i>	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP Israel	
	POST OFFICE ADDRESS	STREET 2021 Monterey Avenue	CITY Menlo Park	STATE OR COUNTRY CA	ZIP CODE 94025
203	FULL NAME OF INVENTOR	LAST NAME Brenner	FIRST NAME Daniel	MIDDLE NAME G.	
	RESIDENCE & CITIZENSHIP	CITY Redwood City	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 86 Central Avenue	CITY Redwood City	STATE OR COUNTRY CA	ZIP CODE 94601
204	FULL NAME OF INVENTOR	LAST NAME Capon	FIRST NAME Daniel	MIDDLE NAME J.	
	RESIDENCE & CITIZENSHIP	CITY Hillsborough	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 90 Woodridge Road	CITY Hillsborough	STATE OR COUNTRY CA	ZIP CODE 94010
205	FULL NAME OF INVENTOR	LAST NAME Klapholz	FIRST NAME Sue	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Stanford	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 76 Peter Coutts Circle	CITY Stanford	STATE OR COUNTRY CA	ZIP CODE 94305

SIGNATURE OF INVENTOR 201 Raju Kucherlapati	SIGNATURE OF INVENTOR 202 2/10/97 Aya Jakobovits	SIGNATURE OF INVENTOR 203 Daniel G. Brenner
DATE	DATE <i>Aya Jakobovits</i>	DATE
SIGNATURE OF INVENTOR 204 Daniel J. Capon	SIGNATURE OF INVENTOR 205 Sue Klapholz	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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201	FULL NAME OF INVENTOR	LAST NAME Kucheralapati	FIRST NAME Raju	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Darien	STATE OR FOREIGN COUNTRY CT	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 8 Gracie Lane	CITY Darien	STATE OR COUNTRY CT	ZIP CODE 06820
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205	FULL NAME OF INVENTOR	LAST NAME Klapholz	FIRST NAME Sue	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Stanford	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 76 Peter Coutts Circle	CITY Stanford	STATE OR COUNTRY CA	ZIP CODE 94305

SIGNATURE OF INVENTOR 201 <i>Raju Kucheralapati</i>	SIGNATURE OF INVENTOR 202 <i>Aya Jakobovits</i>	SIGNATURE OF INVENTOR 203 <i>Daniel G. Brenner</i>
DATE DEC 10, 1996	DATE	DATE 21 January 1997
SIGNATURE OF INVENTOR 204 <i>Daniel J. Capon</i>	SIGNATURE OF INVENTOR 205 <i>Sue Klapholz</i>	SIGNATURE OF INVENTOR 206 <i>Sue Klapholz</i>
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	RESIDENCE & CITIZENSHIP	CITY Hillsborough	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 90 Woodridge Road	CITY Hillsborough	STATE OR COUNTRY CA	ZIP CODE 94010
205	FULL NAME OF INVENTOR	LAST NAME Klapholz	FIRST NAME Sue	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Stanford	STATE OR FOREIGN COUNTRY CA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 76 Peter Coutts Circle	CITY Stanford	STATE OR COUNTRY CA	ZIP CODE 94305

SIGNATURE OF INVENTOR 201 Raju Kucherlapati	SIGNATURE OF INVENTOR 202 Aya Jakobovits	SIGNATURE OF INVENTOR 203 Daniel G. Brenner
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204 Daniel J. Capon	SIGNATURE OF INVENTOR 205 Sue Klapholz	SIGNATURE OF INVENTOR 206 Sue Klapholz
DATE 12/11/96	DATE	DATE 12/8/96